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C O N F I D E N T I A L SECTION 01 OF 02 HAVANA 000373

SIPDIS

DEPT FOR WHA/CCA

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SUBJECT: CUBA: REQUEST FOR NEW OFAC PROVISION

Classified By: COM: James L. Williams: For reasons 1.4 b/d

¶1. (C) SUMMARY: It has come to USINT's attention that there are some U.S. citizen priests and other religious workers living and practicing in Cuba. They do so by living and working among Cubans; doing, literally, "God's work." Such positive U.S.-Cuban contact is precisely the kind of constructive interaction, influence, and interchange of ideas envisioned by U.S. policy toward Cuba. Current OFAC regulations, however, do not contemplate this kind of work and only authorize licensees to conduct specific and finite travel. This cable makes the case for enacting a provision to allow, in certain instances such as these, long-term residence in Cuba. End Summary.

A tale of two priests

¶2. (SBU) Father Esteban Melians belongs to the Franciscan order and has been living and working in Cuba for several years. Melians was initially granted a license (CT-8635) by the Department of Treasury's Office of Foreign Assets Control (OFAC) to carry out religious travel to Cuba during a two-year period (2004-06). Though the license is clearly meant for specific trips of relatively short duration, Melians was living and working as a friar in Cuba during that entire time. Melians requested an extension to his license in 2006, which was granted by OFAC until October of 2007. He requested a similar extension for 2008, but this time it has not been approved.

¶3. (SBU) Father Emilio Biosca is a Capuchin Franciscan and has been practicing in Cuba since February 2007. The purpose of his travel was, according to his OFAC license (CT-3296-a), to "visit Church authorities as well as setting up humanitarian relief projects in consultation with Catholic Relief Services-CRS partner in Cuba, Caritas Cubana." Although Biosca's visit was meant to last less than 30 days, he remained in Cuba ever since, practicing as a friar.

Black and white regulations

¶4. (SBU) It would seem that both priests were in violation of the terms of their respective OFAC licenses, which did not authorize long-term residence in Cuba. Moreover, it appears that Father Melians' 2007 extension should not have been granted, especially if it was known that he was residing in Cuba. The work of these priests in Cuba is admirable and valuable to U.S. policy aims. If they were to do their religious work in 30-day spurts, perhaps license approval would be feasible. But because they do it year-round and directly with Cubans in Cuba, there simply is no OFAC provision that legally authorizes their work.

On-the-ground perspective

15. (C) Father Biosca believes there are as many as 14 American citizens living and working in Cuba under the umbrella of the Catholic Church, who are priests, nuns or serve under some other religious capacity. If Biosca and Melians are any indication, each of them lives and works among the Cuban people, all throughout the island, mostly in poor communities, with minimal or no interaction with the regime, and with the power to positively influence many Cubans. Biosca, for example, has close ties with the Missionary Sisters of Charity (Mother Teresa), who have a presence in ten locations throughout Cuba. He offers mass and spiritual retreats to the sisters and has been all over the island in the year he's been in Cuba. Cubans trust -- something that is unnatural in Cuba -- these individuals because of their vocation, even if they are Americans. Based on our experience in dealing with clergy in Cuba, we believe they are valuable reporting assets because of their ability to move about the whole island and their everyday contact with the people of Cuba.

Vulnerable status in Cuba

16. (C) While obtaining USG approval to come to Cuba is complicated enough, as Biosca explained to us, obtaining GOC approval was much harder. He applied for his permit and had to wait two years before receiving approval from the GOC. During that time, the GOC carried out its equivalent of a background investigation to ensure he was not a spy. Though born in Colorado, Biosca's parents were Cuban. After serving

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in New Guinea for 11 years, Biosca was summoned to come to Cuba due to the dwindling number of Franciscans and because the order wanted to capitalize on his Cuban background and fluent Spanish.

17. (C) Biosca's Cuban permit -- like his OFAC license -- was initially limited to only 30 days. Biosca said he was told by the GOC that, "We have to see how you behave first." This "trial" period was an indefinite period, during which he said he was placed in a state of immigration limbo, his movements were monitored, his contacts surveilled and asked about Biosca's "political views." Eventually he was granted temporary extensions to stay for 60, then 90 days, and so forth. He explained that, in such a state of scrutiny by the GOC, it did not seem prudent to be dealing closely with the USG.

Maintaining their presence in Cuba

18. (C) Comment and request: We know and can vouch for both Fathers Melians and Biosca to be legitimate in their religious devotion and good intentions. They knew they were coming to serve in Cuba on long-term stays and never intended to deceive the U.S. government. How they got here, however, is less important in our view than the impact of the work they are doing. We believe it is in the best interests of U.S. policy toward Cuba, not just to allow but rather to promote their presence in Cuba. They fittingly represent the type of positive agents of change envisioned by our policy. They also constitute, especially given our geographic limitation to Havana, valuable listening posts on the condition of average Cubans. We urge the Department to work with the Department of Treasury to regularize the status of these two, but we also suggest strongly that the Department explore the possibility of devising a legal mechanism for religious workers that will legitimize their presence in Cuba.

PARMLY